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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/657,050	09/07/2000	Hideaki Amano	08038.0019	3841

22852 7590 03/11/2003

FINNEGAN, HENDERSON, FARABOW, GARRETT &
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1300 I STREET, NW
WASHINGTON, DC 20006

EXAMINER

PADGETT, MARIANNE L

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 03/11/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.



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09/057,050

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Below is a communication from the EXAMINER in charge of this application
COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.
Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
b) ☐ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 707.07(f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search. (see NOTE below);
(b) ☐ they raise the issue of new matter. (see NOTE below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE:

4. ☒ Applicant's reply has overcome the following rejection(s): the amendments were correct to the 112 problems, and the changes were covered by the Fig. 4, although applicant did not cite support therefor
5. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
6. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: Sato and Yamazaki et al. both illustrate transferring a sub-date from a identical microwave plasma chamber to another with out changing the substrate
7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. (Cont. on Separate Sheet)
8. ☒ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: 1-8
Claim(s) withdrawn from consideration: _____
9. ☐ The proposed drawing correction filed on _____ a) ☐ has b) ☐ has not been approved by the Examiner.
10. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
11. ☒ Other: the new rejection of paper # 9 were made in response to applicant's amendments of paper # 8, amend. A, therefore the finality of the rejection was proper and will not be withdrawn, as applicant appears to be suggesting in p. 4 of the response.

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relative to the microwave plasma chamber. Given Sato or Yamazaki et al as inspiration to employ such chamber in Wagner et al's process, there is no reason to expect that one of ordinary skill will disregard the aspect of the configurations as taught when apply the use of microwaves to the primary reference. That the secondary reference does not explicitly show bends in the wave guides does not change that their wave guides are shown to have identical orientations with respect to the substrates and each other. This would not have been expected to change when one adds a conventional bend to the waveguide hence applicant's arguments are not convincing. Simple logic provides reasons why one would have been expected to follow the pattern/configuration suggested by Sato or Yamazaki et al of identical chamber ^{with identical} orientation with Wagners transfer system. As suggested in the rejection it prevent physical interference of the structures. But also, one of ordinary skill knows that these chamber each have their own magnetic and electric fields associated with them, so one of competent workmanship would place them so that they have minimal interference with each other, ie symmetrically space about Wagners circular structure, and with other chambers fields.

MARIANNE PADGETT 1- File Copy
PRIMARY EXAMINER